

No. 23-5159

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IN THE  
**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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Matthew D. Green, et al.,  
*Plaintiffs-Appellants,*

v.

United States Department of Justice, et al.,  
*Defendants-Appellees.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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**NOTICE OF INTENT OF ACCESSIBILITY AND SECURITY FAIR USERS TO FILE  
A BRIEF AS AMICUS CURIAE IN SUPPORT OF PLAINTIFFS-APPELLANTS**

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*Counsel for amici curiae*

December 4, 2023

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1(a), amici curiae state that they have no parent corporations and that no publicly held entity owns ten percent (10%) or more of any amicus organization.

**CERTIFICATE AS TO PARTIES, RULINGS UNDER REVIEW,  
AND RELATED CASES**

*Parties and Amici.* The following were parties in the district court proceeding from which this appeal was taken and are the parties before this Court:

- A. Matthew D. Green
- B. Andrew Bunnie Huang
- C. Alphamax, LLC
- D. United States Department of Justice
- E. Library of Congress
- F. United States Copyright Office
- G. Carla Hayden
- H. Shira Perlmutter (successor to Maria A. Pallante, *see* Fed. R. Civ. P. 25(d))
- I. Merrick Garland (successor to Loretta E. Lynch, *see* Fed. R. Civ. P. 25(d))
- J. Digital Content Protection, LLC (amicus)
- K. Intel Corporation (amicus)
- L. Advanced Access Content System Licensing Administrator, LLC (amicus)
- M. DVD Copy Control Association (amicus)
- N. Association of American Publishers, Inc. (amicus)
- O. Entertainment Software Association (amicus)
- P. Motion Picture Association, Inc. (amicus)
- Q. Recording Industry Association of America, Inc. (amicus)

*Ruling Under Review.* The ruling under review is the district court's June 27, 2019 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss (Dkt. Nos. 24, 25). The ruling was entered by Hon. Emmet G. Sullivan, United States District Judge for the District of Columbia, in Case No. 1:16-cv-01492-EGS.

*Related Cases.* This case has previously been before this Court as Case No. 21-5195. There are no related cases currently before this court, or any other court.

### NOTICE OF INTENT TO FILE AMICUS BRIEF

Pursuant to D.C. Circuit Rule 29(b), the below-listed individuals and organizations hereby notify this Court of their intent to file an amicus curiae brief in the above captioned matter in support of the Plaintiffs-Appellants.

The individuals and organizations intend to file an amicus brief of no more than 6500 words, addressing points not made by the Plaintiffs-Appellants, that will aid the Court's consideration of this case.

The individuals' and organizations' brief is necessary to address the interests of the broader accessibility and security research communities to engage in constitutionally protected fair uses at stake in the case under review, and to inform the Court about the history of the Copyright Office's conduct of the triennial review of Section 1201.

The individuals and organizations have coordinated on a single brief covering a range of functional fair use interests to consolidate arguments for this Court's consideration under D.C. Circuit Rule 29(d).

All parties have consented to timely-filed amicus briefs. A full list of amici will be included in the brief when it is filed.

The **American Foundation for the Blind** (AFB) advocates for better policies that promote accessibility, equity, and opportunity for people who are blind or visually impaired.

The **American Library Association** (ALA) has a mission of providing leadership for the development, promotion, and improvement of library and

information services and the profession of librarianship in order to enhance learning and ensure access to information for all.

The **Association on Higher Education and Disability** (AHEAD) is the leading professional membership association for individuals committed to equity for persons with disabilities in higher education.

The **Association of Research Libraries** (ARL) is a membership organization of libraries and archives in major public and private universities, federal government agencies, and large public institutions in the United States and Canada.

The **Association of Transcribers & Speech-To-Text Providers** (ATSP) is a non-profit organization devoted to advancing the delivery of real-time speech-to-text services to deaf or hard-of-hearing people by establishing a national standard of excellence for real-time transcribers and captionists.

**Steven M. Bellovin** is the Percy K. and Vida L.W. Professor of Computer Science at Columbia University and affiliate faculty at Columbia Law School; his research focuses on network security, privacy, and related legal and policy questions.<sup>1</sup>

**Telecommunications for the Deaf and Hard of Hearing, Inc.** (TDI) has a mission of promoting equal access in telecommunications and media for people who are deaf, hard of hearing, late deafened, or deaf blind.

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<sup>1</sup> Affiliation listed for identification purposes only.

*Respectfully submitted,*

/s/ Vivek Krishnamurthy

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*Counsel for amici curiae*

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**CERTIFICATE OF SERVICE**

I certify that this notice was filed using the Court's CM/ECF system on December 4, 2023. All participants in the case are registered CM/ECF users and will be served electronically via that system.

/s/ Vivek Krishnamurthy

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